

This rejection is respectfully traversed.

The sweetening composition according to new claim 25 does not comprise maltitol and polyglucose. Consequently, new claim 25 is novel in view of Ribadeau-Dumas et al.

Since claims 26 to 30 depend on claim 25, they are also novel.

The Examiner rejects claims 19 and 21-23 under 35USC§103(a) as being unpatentable over Ribadeau-Dumas et al. (US 5,470,591) in view of Mentink et al. (US 5,314,701).

Applicants respectfully traverse this ground of objection.

As indicated by the Examiner, Ribadeau-Dumas et al. teach an agent capable of controlling propagation of crystallization of maltitol present in a confectionery, of molecules having a molecular weight greater than 1,300 daltons.

The problem which is solved by Ribadeau-Dumas et al. is thus to avoid the propagation of the crystallization of maltitol in boiled sugar. And the solution is to optimize the ratio of maltitol and to incorporate an agent capable of controlling propagation of crystallization of maltitol, which presents a molecular weight greater than 1,300.

The problem to be solved by the Applicants is different. It relates to the provision for a new sweetening composition suitable for a direct and simple process for the manufacture

of plain boiled sugars which, as indicated in page 8 lines 16 to 23 of the specification :

do not become sticky,  
do not grain or turn opaque and white in surface,  
do not become misshapen at normal summer temperatures in temperate climates.

Compositions according to Ribadeau-Dumas et al. do not correspond to the desired products. In fact, as it appears in example 1 of the present patent application, and more particularly from test n°3, which corresponds to the composition according to Ribadeau-Dumas et al., the obtained boiled sugars are sticky and are slightly deformed. Thus, the composition according to Ribadeau-Dumas et al. cannot be a solution to the above problem.

The person skilled in the art will thus consider that Ribadeau-Dumas et al. teaches away from the invention. So he would not have combined Ribadeau-Dumas et al. and any other document.

Even if he had combined Ribadeau-Dumas et al. and Mentink, he could not have obtained the sweetening composition according to the invention.

In fact, Mentink describes boiled sugar presenting a specific double layer structure in which the external layer can contain a not very soluble compound according to the invention.

However, Mentink does not describe nor suggest to add pyrodextrins to such not very soluble compound.

Consequently, the sweetening composition of new claim 25 can not be deduced from the combination of Ribadeau-Dumas et al. and Mentink.

New claim 25 is thus inventive in view of Ribadeau-Dumas et al. and Mentink.

Since claims 26 to 30 depend on claim 25, they are also inventive.

In view of the above, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted.

SEPTEMBER 1, 2000

Date

Curtis A. Bell

Curtis A. Bell  
Reg. No. 36,742

HENDERSON & STURM LLP  
206 Sixth Avenue, Suite 1213  
Des Moines, Iowa 50309-4076

Telephone: (515) 288-9589  
Telefax: (515) 288-4860